

## Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W  
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O R 191254Z JUN 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3869

INFO AMEMBASSY MOSCOW

USMISSION NATO

S E C R E T GENEVA 4638

EXDIS

GENEVA ENMOD MESSAGE NUMBER FIVE

EO: 11652: XGDS-3 IMPOSSIBLE TO DETERMINE

TAGS: PARM CCD UN US UR

SUBJ: BILATERAL WITH FEDOROV

1. DAVIES AND BARAZ SAW FEDOROV AND KASHIRIN EVENING OF JUNE 18 IN AN EFFORT TO SOUND THEM OUT. DAVIES OPENED BY EXPLAINING THAT WASHINGTON ANTICIPATED TABLING US DRAFT WHICH WE HAVE HIM JUNE 16 -- PERHAPS WITH MINOR CHANGES -- EARLY IN CCD. HE SAID, FURTHER, THAT HE HAD NO INSTRUCTIONS TO MAKE SUBSTANTIAL CHANGES IN THAT DRAFT. NEVERTHELESS, HE THOUGHT IT WOULD BE USEFUL -- ON A PURELY EXPLORATORY BASIS -- TO DEVELOP A HYPOTHETICAL JOINT DRAFT WITH BRACKETS FOR DISAGREED PORTIONS.

2. FEDOROV PROPOSED TO CONTINUE READING TREATY ARTICLES AT JUNE 19 PLENARY AND THEN TO MEET AGAIN PRIVATELY AFTERNOON OF JUNE 19 AND 20 TO PREPARE A TEXT TO SEND TO CAPITALS BY END OF WEEK, MEETING AGAIN ON JUNE 24 OR 25 WITH INSTRUCTIONS WHICH HE ASSUMED WOULD BE FORTHCOMING BY THEN. DAVIES TENTATIVELY AGREED TO STAY ON INTO NEXT WEEK IF THERE APPEARED TO BE USEFUL WORK TO DO.

3. IN PROPOSING THIS SCHEDULE, FEDOROV GAVE THE MOST PRECISE ACCOUNT HE HAS YET OFFERED AS TO WHAT WOULD BE DONE ONCE A JOINT OR BRACKETED DRAFT WAS DONE. EXPERTS DELEGATION WOULD REPORT IT TO CAPITALS WHICH WOULD THEN BE FREE TO DECIDE WHAT TO DO. FE-

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DOROV ENUMERATED POSSIBLE ALTERNATIVES FOR WHAT GOVERNMENTS MIGHT

DECIDE TO DO: TABLE IN IT CCD, KEEP IT PRIVATE AND HOLD IT FOR SOME FUTURE USE, CONSIDER IT AT SUMMIT LEVEL, OR SIGN A BILATERAL TREATY.

4. DAVIES NOTED THAT THE SOVIET TERRITORY PROVISION IN ARTICLE II WAS BECOMING A PROBLEM. HE GOT FEDOROV TO CONCEDE THAT THE USSR HAD NOT INTENDED TO LEGITIMIZE USE AGAINST INVADING OR ATTACKING FORCE. FEDOROV DEFENDED THE PROPOSAL AS A HEDGE AGAINST SMALL COUNTRIES RAISING COMPLAINTS ABOUT SOVIET PEACEFUL USES RESEARCH. WHEN DAVIES OBSERVED THAT IT APPEARED TO JUSTIFY MILITARY RESEARCH FEDOROV CONCEDED THAT POINT. FURTHER, DAVIES SAID THAT THE TERRITORIAL APPROACH WAS PREJUDICIAL SINCE SOME OF US EXPERIMENTS WERE OVER OCEAN. FEDOROV AND KASHIRIN STARTED TO CAST ABOUT A FORMULA WHICH REFERRED TO EFFECTS ON OTHER COUNTRIES' TERRITORIES. DAVIES POINTED OUT THAT THAT WOULD LEAVE OPEN POSSIBILITIES FOR USE AGAINST FORCES ON THE HIGH SEAS OR STATIONED IN OTHER COUNTRIES. KASHIRIN COUNTERED WITH THE NOTION OF A FORMULA WHICH WOULD REFER TO EFFECTS WHEREEVER THEY OCCUR, AND BARAZ OBSERVED THAT WOULD MAKE THE PARAGRAPH A PARAPHRASE OF ARTICLE I. FEDOROV AGREED. DAVIES AND BARAZ POINTED OUT THAT THE PROBLEMS WERE CREATED BECAUSE THE TERRITORIAL CONCEPT WAS A FAULTY ONE. FEDOROV AGREED TO RECONSIDER THE QUESTION OF HOW TO PROTECT PEACEFUL R&D AND INVITED US TO THINK ABOUT IT, TOO.

5. FEDOROV AGAIN INDICATED THAT SOVIET POSITION ON MILITARY R&D WAS FIRM AND THIS WOULD REMAIN A BRACKETED ITEM. KASHIRIN CLOSED OFF SUBSTANTIVE DISCUSSION WITH CRYPTIC REMARKS THAT THIS DISAGREED ITEM SHOULD BE PUT ASIDE AND "TREATED AS IF IT DID NOT EXIST." A PHRASE WHICH HE REPEATED.

6. IN BRIEF DISCUSSION OF ARTICLE I DAVIES DREW FROM FEDOROV CONFIRMATION OF HIS WILLINGNESS TO INCLUDE "COULD BE WIDESPREAD, LONG-LASTING OR SEVERE" FORMULA IN ARTICLE I. ASKED WHETHER THE USE OF "COULD BE" IN PLACE OF THE WORD "HAVING" IN US DRAFT WAS SUBSTANTIVE, FEDOROV SAID IT WAS. BUT BEFORE HE DESCRIBED WHAT SUBSTANTIVE RATIONALE THERE MIGHT BE, KASHIRIN SAID THAT "COULD BE" WAS USED BECAUSE IT WAS FROM THE JULY 3, 1974 JOINT STATEMENT.

7. IN SOMEWHAT CURSORY DISCUSSION OF OTHER ARTICLES, FEDOROV INDICATED HE WAS PREPARED TO DROP ARTICLE VII ON REVIEW CONFERENCE.

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8. ON COMPLAINTS PROCEDURE, FEDOROV WAS AGAIN INSISTENT ON NEED TO SPECIFY CLEARLY THAT ANY UN CONSIDERATION OF VIOLATIONS MUST BE IN SECURITY COUNCIL. ALTHOUGH HE RECOGNIZED OPPOSITION OF NONALIGNED STATES IN THE CASE OF BW CONVENTION, HE POINTED OUT THEY DID SIGN, AND HE BELIEVED US/USSR AGREEMENT ON THIS PARAGRAPH WOULD BE ENOUGH TO DO SAME IN THIS CASE. DALE

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NONALIGNED NATIONS, DIPLOMATIC DISCUSSIONS, ARMS CONTROL MEETINGS, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 JUN 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA04638  
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**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** X3  
**Errors:** N/A  
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**Page Count:** 3  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** EXDIS  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 30 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <30 APR 2003 by ElyME>; APPROVED <01 MAY 2003 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** BILATERAL WITH FEDOROV  
**TAGS:** PARM, US, UR, CCD, UN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006